

Application No.: 10/518,436
Amdt dated: November 1, 2006
Reply to Office action of August 1, 2006

REMARKS/ARGUMENTS

Claims 1 through 9 and 15 through 23 are pending in the Application. Claims 10-14 and 24-27 have been canceled. Claim 18 has been amended to correct a minor typographical error.

Claim Objection. Claim 18 is objected to for the following informality: "jaws" in line 3 should likely read "jaw." Claim 18 has been amended to correct the typographical error.

Claim Rejections. Claims 1-2, 4-9, 15-16, and 18-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dicesare et al., U.S. Patent No. 5,904,693. Claims 3 and 17 have been rejected under 35 U.S.C. 103 as being unpatentable over Dicesare. Applicants respectfully disagree with all the Rejections.

There are two independent claims in the present application, claim 1, with claims 2-14 depending directly or indirectly therefrom, and claim 15, with claims 16-23 depending directly or indirectly therefrom.

Claim 1 provides, emphasis added:

1. A clip applier for applying a surgical clip in a patient, comprising:

a disposable cartridge including an elongate tube having a proximal end and a distal end, a pair of opposing jaw members extending outwardly from the distal end of the elongate tube, and a ratchet mechanism; and

a reusable actuating mechanism coupled to the proximal end of the elongate tube to move the jaw members between an open position and a closed position.

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Claim 15 provides, emphasis added:

15. A clip applier for applying a surgical clip in a patient, comprising:

a disposable cartridge including a housing member having a proximal portion and a distal portion, a pair of opposing jaw members extending outwardly from the distal portion of the housing member, and a ratchet mechanism; and

a reusable actuating mechanism coupled to the cartridge to move the jaw members between an open position and a closed position.

As is apparent from the above, both claims 1 and 15 (and thus the claims depending therefrom) recite a clip applier comprising a disposable cartridge having a ratchet mechanism. As noted in the specification, this novel arrangement differs from prior art clip applicators in that the prior art applicators, including Dicesare, have a ratchet mechanism in the handle. See, e.g., the '693 Dicesare patent, col. 2, lines 42-43 ("Another feature of the first embodiment is the provision of a ratchet mechanism within the handle.")

By contrast, see paragraph 25 of the pending Application, including the following (emphasis added):

"A novelty of clip applier 10 is it incorporates a one-way ratchet mechanism **in disposable cartridge 12 instead of reusable handle 14.** An advantage of placing the one-way ratchet mechanism in disposable cartridge 12 is it simplifies the construction of reusable handle 14. As a result, clip applier 10 contains fewer parts, is easier to clean/sterilize and

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is less expensive to produce. Another advantage of clip applier 10 is since cartridge 12 is disposable, it does not need to be constructed to last as long as reusable handle 14."

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of claims 1 through 9 and 15 through 23 are respectfully requested. Applicant also respectfully submits that the features, e.g., one-way ratchet disposed within a disposable cartridge, are merely exemplary and/or illustrative and does not disavow any claim scope or define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. Likewise, any characterization of the features, e.g., one-way ratchet disposed within a disposable cartridge, in relation to the claims are merely exemplary and/or illustrative and thus Applicant does not disavow any claim scope or specially define any elements or terms in the claims in such a way other than as recited or provided in the claims and their equivalents. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Sincerely

APPLIED MEDICAL RESOURCES

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